

LAW

MESSAGE FROM THE CHAIR

Linnet C. Harlan, Chair

As I write this message, on the day before Christmas, the United States is at on "orange" alert. Security related delays at airports compound the travail of travel, and rumors swirl, suggesting that new weapons of terror may be unleashed soon.

In the face of such world upheaval, there is a temptation to think that the things we do are small—whether they involve another contract negotiation or joining our families in celebration of the many holidays that fall during

this time of the year.

But each of us, every day, makes a difference. As the Tao te Ching says, "What is a good man but a bad man's teacher? What is a bad man but a man's job?" good (Chapter 27, Stephen Mitchell translation). Every day each one of us can be an example of how to live life under challenging circumstances. We can negotiate with respect for our opponents; we can bear travel-related delays with patience, poise and good humor; we can hold ourselves to the



high standard.

Most of us will not play a direct role in the defeat of terrorism. But, through our daily actions, each of us can contribute to peace.

Best wishes for a peaceful 2004.

Winter 2004

Inside this issue:

Message from the Chair	1
Report on the China Program	1
"International Law Day"	2
ILS Bulletin Board	3
Hints and Short- cuts	3
Upcoming Events	4

CLOSING THE LOOP ON THE CHINA PROGRAM

The Section's program, Structuring and Operating Business Ventures in the Middle Kingdom: Legal and Practical Strategies for Success in China, turned out to be an enormous success. More than 100 people were present at the Westin Hotel in Palo Alto on November 7, 2003, to hear very experienced practitioners from China, Hong Kong, Taiwan and the US offer substantive and practical solutions to a vast array of legal, accounting and cultural issues that arise when a company seeks to do business in China. In addition, the program's keynote speaker, the Honorable

Special points of interest:

- See "Helpful Hints and Shortcuts" to get more control to update your state bar info.
- Checkout "ILS Bulletin" to get help and answers quickly from other ILS members.
- Update your knowledge by participating in Upcoming Events.

Closing the Loop on the China Program (cont'd)

Wang Yunxiang, Consul General of the People's Republic of China in San Francisco, provided the attendees with an excellent overview of the economic opportunities for US firms available in China today.

The Section wishes to thank its sponsors, the University of Hong Kong, the Asian Institute of International Financial Law, Deloitte & Touche, Heller Ehrman White & McAuliffe, King & Wood, Lee & Li, Morrison & Foerster, and Squire Sanders & Dempsey, for their generous sponsorship of this program.

As a result of the success of this program and the contacts made with several speakers, the Section's Executive Committee is exploring additional initiatives, including possible member exchanges, with bar associations and organizations in these countries, as well as future programs dealing with China. We hope to report to you regarding these exciting new possibilities in the near future.

Contributed by Bruce Boyd, Esq.



Audience members listen intently to the panel discussions



Keynote Speaker the Honorable Wang Yunxiang and Program Chairs Lucas Chang and Bruce Boyd



Informative panel discussions left audience participants glued to the discussions with enthusiastic and inquisitive questions at the end of panel discussions

SOUTHERN CALIFORNIA INTERNATIONAL LAW DAY AT USC

The section's International Law Career Day for Los Angeles area law students took place on October 29th, 2003, hosted by the Law School of the University of Southern California with the support of the USC International Law

Society, USC Assistant Dean Melissa Balaban, and USC Law and International Relations Prof. Edwin Smith. The event was sponsored by the law firm Squire Sanders & Dempsey LLP, which provided pizza for the students and speakers and

coordinated by members of the International Law Section (Brian Krantz and Peter Gelles). Speakers included Les Weinstein and James Broderick (both of Squire Sanders & Dempsey, LLP), who discussed transnational practice and interna-

SOUTHERN CALIFORNIA INTERNATIONAL LAW DAY AT USC (cont'd)

tional litigation, Elena Muravina (Rosenfeld Myer & Sussman LLP) who discussed international business in a cross-cultural environment, and Donal Hanley (Tambo Aviation), who discussed the experience of international in-house counsel and overseas and international practice opportunities. The program, which included a first hour panel presentation followed by a second hour of questions and answers and general discussion, was attended by approximately 65 stu-

dents and faculty, including students from USC, UCLA, Loyola, Southwestern and Whittier law schools. A number of foreign lawyers currently attending USC's International Law LLM program also attended.

The section is planning additional career days to be held in law schools in Northern and Southern California in 2004. If any members are interested in participating or sponsoring, please contact Ed Bernard (Edward.Bernard@calbar.ca.gov) at

the State Bar and he will forward your information to the appropriate coordinator for each event. We are particularly interested in participation by members who can share their international experiences with students.

Contributed by Brian Krantz, Esq.

ILS BULLETIN BOARD -SEEK HELP FROM ILS MEMBERS

Members' Listserv for The State Bar of California International Law Section is now operational. Your listserv contributions are needed! Members and non-members alike are encouraged to submit questions or requests for information to our Bulletin Board. Press releases, news items, event listings, job vacancies, opinions or any other appropriate information would be greatly appreciated. Each message should contain a corresponding website or email address for a direct response.

Please forward all postings to Russell Kerr at the following address <u>russell@kerrlawfirm.com</u>.

Please note the following: Messages are moderated and not all messages submitted will be forwarded to subscribers. Materials from sources other than the State Bar of California International Law Section distributed in this mailing list do not necessarily imply the endorsement of the State Bar of California and the State Bar of California and the Inter-

national Law Section take no responsibility of the content of any posted messages.

HELPFUL HINTS AND SHORTCUTS

Link to International Law Section Website:	www.calbar.ca.gov/ils
;	
Look for the upcoming "members only" section of	the International Law Section Website.
Update your information on the State Bar website	by clicking on the following link:

http://calbar.ca.gov/state/calbar_generic.jsp?sImagePath=My_State_Bar_Profile.gif&sCategoryPath=/Home/A ttorney%20Resources/Bar%20Member%20Billing%20%26%20Records&sHeading=My%20State%20Bar%20Profile&sFileTy pe=HTML&sCatHtmlPath=html/Bar-Member-Billing_My-State-Bar-Profile.html

UPCOMING EVENTS

"LEGAL BASICS OF INTERNATIONAL TRADE", SACRAMENTO, MCGEORGE LAW SCHOOL, PRESENTED BY THE INTERNATIONAL LAW SECTION OF THE CALIFORNIA BAR

Wednesday, April 21, 2004
Lecture Hall
University of the Pacific, McGeorge School of Law
3200 5th Ave., Sacramento, CA
415-538-2380
Registration 1:00 p.m.
Program: 1:30 to 5 p.m.

Learn how to navigate the legal issues of international commercial transactions, take advantage of the United Nations convention on Contracts for the International Sale of Goods (CISG), "Incoterms" used in international trade, provisions relating to agents and distributors, export controls, immigration laws, dispute resolution, and intellectual property including patents and trademarks. Speakers include legal and academic experts in the field. This program is for attorneys and business people wishing to acquire or broaden knowledge of laws affecting international business. Wine and cheese reception follows. Registration fee includes reception: International Law Section members \$50; non-members \$75; faculty \$25; students \$20. (3.5 hrs MCLE credit)

"Transparency and Developing Legal Frameworks to Combat Corruption in Latin America," Los angeles, Southwestern University School of Law

Monday, March 1st 8:30 a.m. to 3:00 p.m. Southwestern Campus 675 South Westmoreland Avenue Los Angeles, CA 90005 (213) 738-6857

There will be an excellent group of leading experts in this field. Topics will include the Inter-American Convention Against Corruption, Fighting Corruption in Chile, Mexico and Ecuador, and the work of the United States Agency for International Development. CLE credit is available. For more information & registration details visit: http://swlaw.edu/cocurricular/journal.htm

"RECENT DEVELOPMENTS IN EUROPERAN COMMUNITY COMPETITION LAW AND POLICY: Modernization and Mergers", presented by the ABA Section of International Law and Practice; the International and Foreign Antitrust Committee of the ABA Section of Antitrust Law

Thursday, March 4, 2004
ABA Section of International Law and Practice
740 15th Street, NW, Washington, D.C. 20005
telephone (202) 662-1727; fax (202) 662-1669

email: ElliotJ@staff.abanet.org

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JOIN US!

For those of you who are not yet members, the California International Law Section invites you to join us now. Take advantage of the MCLE programs and the free publications. Take advantage of the opportunities to recommend topics and/;or speakers for Section programs, to contribute articles and/or ideas for articles to Section publications, and to meet with foreign lawyers.

DUES:	United States \$60		
	Law Students in U.S. \$25		
	Outside the U.S. \$90		
Practition member ther info	es include a yearly subscription to the <i>Californoner</i> and admission to Section programs and ership; all interested attorneys, non-attorneys, la ormation, please telephone the International La 38-2380.	events at discounted prices. aw professors and law student	There are no prerequisites to s are invited to enroll. For fur-
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Got An Interesting Story?

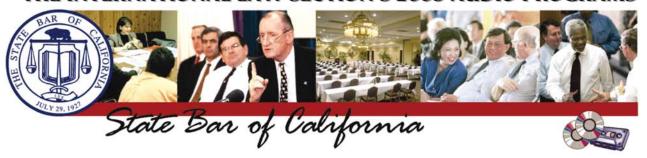
We want your stories, pictures and your thoughts. Please forward all submissions to:

San San Lee Newsletter Editor sslee@sansanlaw.com

If you have an article for publication in the *Practioner*, please forward all submissions to:

Babak Nikravesh bnikravesh@hewn.com

THE INTERNATIONAL LAW SECTION'S 2003 AUDIO PROGRAMS



One Hour Programs Audio Cassette \$13.00 Audio CD \$16.00

 Building the Multinational Construction Contract.

> Practical advice on choice of law, dispute resolution, currency exchanges, financing problems, payment and int'l contracting in general. MCLE 1 hr • 03SBC-46

☐ Implications of US Foreign Policy on Homeland Security.

How has our new foreign policy affected our individual rights and freedom? And latest developments in immigration law.

MCLE 1 hr • 03SBC-60

■ NAFTA at Age Ten: What Have **Investors Learned about** Arbitrating with Governments?

Overview of the chapter's substantive guarantees, basic arbitral framework (with comparisons to the emerging FTAA framework) and recurrent procedural issues. MCLE 1 hr • 03SBC-114

Audio CDs \$32.00 Programs over 1 hour include written materials

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- Breaking Our Sovereign Promises What are the legal & policy foundations of the treaty system, what are the implications for this system of the administration's actions? MCLE 2 hrs • 03SBC-83AB
- Current Developments in Alien Tort Claims Act Litigation. Explore recent developments in human rights litigation in the U.S. against multinational corporations doing business abroad MCLE 2 hrs • 03SBC-136AB
- Practical Solutions to Problems in Doing Business in the Middle Kingdom: A View from the Magic Kingdom. How to sell your products & services in China including setting up your own plants, joint ventures, licenses, distributorships, etc, emphasis on how to avoid common pitfalls and some elemental tax planning. MCLE 2 hrs • 03SBC-201AB

- Issues in International Arbitration. Pros and cons of selecting arbitration, the need for contract language, drafting arbitration clauses, choice of law and procedural rules, costs, arbitration in foreign settings. MCLE 2 hrs • 03SBC-202AB
- Reducing Payment Risks in International Transactions: How to Make Sure Your Client (and You) Get Paid. How to encourage international sales while avoiding the financing challenges and risk factors of operating in an emerging market. MCLE 2 hrs • 03SBC-20AB
- ☐ Immigration Law After 9/11. Heightened security efforts are changing U.S. immigration law in ways critical to companies that hire foreign nationals as well as to families. MCLE 2 hrs • 03SBC-32AB
- ☐ How To Do An International Merger. Includes illustrations of the requirements under both the EU laws of competition and the U.S. antitrust laws. MCLE 2 hrs • 03SBC-33AB

Special 7-Hour Program Audio Cassettes \$150.00 Audio CDs \$175.00

☐ Structuring and Operating Business Ventures in the Middle Kingdom: Legal and Practical Strategies for Success in China

Corporate Partnering: Joint Ventures; Cross Border M&A's, Financing, Banking & Securities Regulations & Markets. U.S. & China Tax Structuring & Planning. Development, Manufacturing & Distribution in China. Utilizing Resources of the Greater China. Revenue Repatriation, Insolvency & Exit Strategies. Includes written materials. Recorded November, 2003. MCLE 7 hrs • 03INTL-1

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Legal Basics of International Trade

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How to navigate the legal issues of international commercial transactions, take advantage of the United Nations convention on Contracts for the International Sale of Goods (CISG), "Incoterms" used in international trade, provisions relating to agents and distributors, export controls, immigration laws, dispute resolution, and intellectual property including patents and trademarks. Speakers include legal and academic experts in the field. This program is for attorneys and business people wishing to acquire or

broaden knowledge of laws affecting international business. Wednesday, April 21, 2004, Lecture Hall at University of the Pacific, McGeorge School of Law, 3200 5th Ave., Sacramento, CA. Registration 1:00 p.m. Program: 1:30 to 5 p.m. Wine and cheese reception follows. Presented by the California State Bar International Law Section. Registration fee includes reception: International Law Section members \$50; non-members \$75; faculty \$25; students \$20. For information, go to www.calbar.ca.gov/ils, or call 415.538.2380.

Page 8

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